SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 5352 /2005

PETITIONER

Dwarika Prasad Yadav ,S/O Late Jamuna Prasad Yaday,aged about---- yeaars ,Shiksha Karmi,GradeIII, PrimarySchool Medhuka ,Tah. Marwahi Disst. Bilaspur(C.G.)

VERSUS

PESPONDENTS

1. State of Chhattisgarh through: the Secretary, Department of School Education, Mantralay, D. K. S. Bhawan, Raipur (Chhattisgarh)

2. The Additlonal Collector, Pendra Road ,Disst. Bilaspur (C.G.)

3. Janpad Panchayat Marwahi Through : the Chief Executive Officer Janpad Panchyat - Marwahi. Disst.Bilaspur (C.G.)

P.R. No. 5470/05
Presented by Sri Chandrajee
dated 20/10/05

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WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

# आदेश पत्रक

मामला क्रमांक W.P.No.5392/ सन् 2005

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**25-11-2005**

Shri A.V. Shridhar Rao, learned counsel for the petitioner.

Shri Arun Sao, Dy.A.G. for the State.

Heard.

The petitioner was appointed as Siksha Karmi Grade III on 23.3.2001 as probationer and thereafter his probation period starts under Rule 7 of Panchayat Siksha Karmis (Recruitment And Conditions of Service) Rules, 1997 (herein-after referred to as "Rules, 1997"). Initially, the petitioner was appointed as Shiksha Karmi, Grade III on probation for three years extendable up to five years for a particular school so that he serves for full probation period.

Petitioner has completed three years of probation and it appears that his probation period has been extended further. Five years period will be completed on 22.3.2006. The petitioner has filed this petition challenging that Rule 7 of Rules, 1997 has not been complied with because he has not been confirmed after completion of three years probation period.

Learned counsel contends that the employer should inform the probationer that his service has been extended for a further period of two years. Since the petitioner has failed to give notice before extending the period of probation without passing confirmation order, the extended period of probation is bad in law and contrary to Rules.

On perusal of the papers, I am of the view that contention of the petitioner is not sustainable in law. Rule 7 of Rules, 1997 clearly provides that the probation period of three years is extendable up to

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XI-HC-22

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# आदेश पत्रक

मामला क्रमांक ..... सन् 200

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| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | five years. Extension of period of probation is not punitive as such no notice is required before extending the period of probation. Accordingly, the contention of the petitioner is rejected.<br>In view of the foregoing, the petition is dismissed.<br>No order as to costs.<br><br>**Sd/-**<br>**Satish K. Agnihotri**<br>**Judge** | |

Priya

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31.1.06